

**MINUTES
of the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**October 21-22, 2010
Room 322, State Capitol
Santa Fe**

The fourth meeting of the interim Land Grant Committee was called to order at 10:25 a.m. on October 21, 2010 by Senator Richard C. Martinez, chair, in Room 322 of the State Capitol.

Present

Sen. Richard C. Martinez, Chair
Rep. Miguel P. Garcia, Vice Chair
Rep. Paul C. Bandy (Oct. 21)
Rep. Andrew J. Barreras (Oct. 21)
Rep. Thomas A. Garcia (Oct. 21)
Rep. Jimmie C. Hall
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue
Sen. Bernadette M. Sanchez

Absent

Sen. Rod Adair
Rep. Eleanor Chavez

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Ben Lujan (Oct. 21)

Sen. Carlos R. Cisneros
Sen. Dianna J. Duran
Rep. Brian F. Egolf, Jr.
Rep. Richard D. Vigil

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Jon Boller
Pam Stokes
Jennifer Rabinowitz

Guests

The guest list is in the meeting file.

Thursday, October 21

Welcoming Remarks and Introductions

Senator Martinez extended a welcome to the committee, staff and audience members present at the meeting.

Land Grant Council Update

Juan Sanchez, chair of the Land Grant Council, reported that representatives of the council traveled to Washington, D.C., in July for meetings with various federal agencies and members of New Mexico's congressional delegation. He explained that discussions focused on stewardship and rights of access to the common lands that are now administered by various federal agencies; possible return of land in appropriate cases; distribution to land grants of payments in lieu of taxes; establishment of a commission to adjudicate old land grant claims; legislative reversal of the *Sandoval* decision; and the establishment of an endowment to address compensation issues. Mr. Sanchez said he hopes federal legislation addressing these issues could be introduced early next spring.

On the local level, Mr. Sanchez explained, the council is supporting an ongoing mapping project of several land grants that is being conducted in conjunction with the Land Grant Studies Program (LGSP) at the University of New Mexico (UNM) and has completed its update of the "Community Land Grant/Merced Government Guidebook" (which is available in hard copy or flash drive formats) along with a book of statutes relevant to governance issues. The council has also been working on various memoranda of understanding (MOUs) with Sam DesGeorges and Linda Rundel of the U.S. Bureau of Land Management (BLM), he explained, and has met with the new state liaison from the United States Forest Service. The council is continuing to meet with tribal and pueblo leaders on the problems presented by the designation of common lands as state lands, he said. Mr. Sanchez also said that a committee of the American Bar Association (ABA) may be addressing land grant issues in upcoming meetings and that the council wants to invite the ABA to hold two hearings in New Mexico.

The committee requested that a letter of support be sent to the ABA endorsing the council's proposal. The committee also asked that a letter be sent to New Mexico's congressional delegation in support of traditional use rights for land grant heirs on federal lands that were formerly part of the common lands of a land grant. In addition, the committee asked that the congressional delegation be asked about its response to the 2004 U.S. General Accountability Office report on longstanding community land grant claims in New Mexico.

San Miguel del Vado and Villanueva State Park Parcels

Oliver Perea, president of San Miguel del Vado Land Grant (SMDVLG), explained that when part of the land grant was transferred to the state for the establishment of Villanueva State Park, the transfer contained a reversion clause that said that if any of the land was not used for park purposes, it should be returned to the land grant. Mr. Perea said he is working with the State Parks Division of the Energy, Minerals and Natural Resources Department to locate three parcels that are no longer used by the park. Dave Simon, director, State Parks Division, affirmed

that the division is working with Mr. Perea to locate the parcels, and he praised the land grant for its support of the park. He said that the park, which has 60,000 visitors annually, is part of the community and would not prosper without the support of that community.

Mr. Perea also reported that the senior citizen's center in San Miguel is now owned by the SMDVLG and that the BLM is working with the SMDVLG on the return of three cemeteries that were once part of the grant. He also noted that the SMDVLG is being sued by a person who claims that the land grant owns State Highway 3, but he has not found any documentation of the state ever paying the SMDVLG for the right of way for the highway.

Land Grant Studies Program Update

Arturo Archuleta, Merced Land, Education and Conservation Trust, reported that despite deep cuts in funding for the LGSP (appropriations to the program have been cut from \$117,000 to \$62,000, he explained), the LGSP has still managed to continue most programs, including internships for nine students, six of whom have been placed with land grant boards of trustees. The other three interns have worked on various land grant support projects, including a mapping project carried out last year in collaboration with the Department of Community and Regional Planning at UNM and videotaping of Land Grant Council meetings. The LGSP also provided support for the Treaty Day celebration at the Capitol rotunda in February, he noted, and has organized workshops presenting the work of interns and the annual land grant studies research fellow.

Mr. Archuleta explained that with the first large reduction in state financial support, support for the annual land grant studies research fellowship was eliminated; however, UNM allowed the LGSP to continue the fellowship for a second year. Last year's recipient was Karen Montoya, a doctoral student in American studies, who has conducted research on the testimonies in the surveyor general's records and assessed the impact of women and of women's property rights under New Mexico law regarding land grants in the nineteenth century, he noted. Since the beginning of the new fiscal year, he said, the LGSP has begun a dialogue with the dean of the UNM law school to develop courses on New Mexico's legal history and to discuss tribal-land grant meetings regarding the designation of common lands as state land. This year's priorities include providing additional service to the Land Grant Council through a mapping project whose purpose is to identify the historic boundaries of community land grants whose boards are still active and to locate them on current digitized survey maps that also identify the boundaries of federal and state lands and patented boundaries and, where possible, the extant parcels of common lands for these land grants, he said.

Mr. Archuleta said the other basic priority of the LGSP is to survive as a program. In previous years, he said, the Legislative Finance Committee had often decided that a program reduced below \$50,000 should have its budget cut entirely. The logic behind this approach, he explained, seems to be that when an annual budget becomes this small, it is unable to support a director or even minimal staff, and therefore, the state can save money, albeit a small amount, by reducing that to zero. This logic does not apply to the LGSP because it is not a free-standing program, but it is an activity affiliated with the Southwest Hispanic Research Institute, whose

director is supported by university funds. Thus, he concluded, the LGSP can continue to provide a useful, if reduced, service to land grants even with a total budget below \$50,000.

Access to the W.A. Humphries State Wildlife Area

Tod Stevenson, Pat Block and R.J. Kirkpatrick, Department of Game and Fish, responded to several questions on whether granting heirs of land grants traditional use rights to the W.A. Humphries Wildlife Area would result in a loss of federal funds and whether the department has investigated if grazing in wildlife areas would actually benefit those areas. Mr. Stevenson said that wildlife areas purchased with federal dollars have to be managed for wildlife purposes, but he is open to looking at habitat use, such as woodcutting and grazing, that could actually enhance wildlife. He noted that the department has entered into a contract for a study of the W.A. Humphries Wildlife Area. Mr. Kirkpatrick explained that the company doing the study is highly regarded and that he expects to have a new grazing management plan to improve plant species that involves rotating livestock grazing, at which point the department could accommodate local livestock owners. He said the department is also working with Chama to develop a fire management plan for removal of brush, and this would likely involve thinning out juniper and piñon prior to any burns.

Committee members asked if land grant heirs might be given preferences for grazing and access to wildlife areas. Mr. Block said he thinks the department may not be able to deal with individuals on that basis, but perhaps an agreement with the land grant or the Land Grant Council would be possible because both are political subdivisions of the state. The committee moved to have the department and Legislative Council Service work on drafting legislation to give land grant heirs permits for hunting in the state's wildlife areas. Committee members also agreed that the State Game Commission should be invited to attend a meeting next interim.

Friday, October 22

Proposed Legislation

The committee considered the following bills for endorsement:

1) Expand Land Grant Council authority to allow it to administer non-state funds for the benefit of community land grants that are not political subdivisions of the state.

The committee endorsed the bill without objection. Senator Sanchez will introduce the bill in the senate, and Representative Hall will be the co-sponsor.

2) Authorize the Tecolote Land Grant-Merced to be governed as a political subdivision of the state pursuant to Chapter 49, Article 1 NMSA 1978.

The committee endorsed the bill without objection. Representative Miguel P. Garcia will introduce the bill in the senate, and Representative Vigil will be the co-sponsor.

3) Make land grants-mercedes eligible for conservation easement tax credits.

D The committee moved to withdraw consideration of the bill for this session.

4) Allow boards of trustee members to be elected for staggered terms.

The committee endorsed the bill without objection. Representative Rodella will carry the bill.

5) Move the land grant registry to the office of the Land Grant Council.

The committee endorsed the bill on a 6-2 vote, with Senator Sanchez and Representative Rodella voting no. Senator Martinez will carry the bill.

R 6) Prohibit designating the common lands of community land grants as state lands.

The committee amended the bill by removing "or public land unless first approved by the board of trustees of the affected land grant-merced" and added an emergency clause. The committee endorsed the amended bill without objection. Representative Miguel P. Garcia will carry the bill.

The committee adjourned at 10:50 a.m.

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